

OFFICIAL COPY

Fresno, California December 14, 2004

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Dages read a Christmas poem in honor of city employees and all our soldiers serving in Iraq, and President Castillo led the Pledge of Allegiance.

PRESENTATION OF AWARDS TO DISTRICT 4 STUDENTS - PRESIDENT CASTILLO

Presented.

COUNCIL MEMBER REPORTS AND COMMENTS:

SCHEDULING PATRIOT HOMES FOR CLOSED SESSION IN JANUARY - COUNCILMEMBER DUNCAN

Councilmember Duncan advised he directed the city attorney to schedule a closed session in the first part of January to consider litigation against Patriot Homes for failure of the developer fulfill their obligation and complete public infrastructure in Tract 4805 at Chestnut and Perrin Avenues.

CHAPTER 933 VIETNAM VETERANS BRINGING THE MOVING VIETNAM WALL IN MAY, 2005 - COUNCILMEMBER CALHOUN

Councilmember Calhoun advised the Chapter 933 veterans would be bringing this replica of the Washington, DC Vietnam wall for one week in May with the site yet to be determined, noted there would be a cost associated and encouraged citizens and community groups to support this effort, and asked anyone interested to contact his office and he would provide contact information.

WALL STREET JOURNAL ARTICLES RELATIVE TO (1) "STATES WOOING FOR CAR-MAKERS", AND (2) MERGER OF ORACLE AND PEOPLESFT - COUNCILMEMBER CALHOUN

Councilmember Calhoun commended the Mayor for meeting with Toyota officials to make a pitch for Fresno and also the EDC, the RJI and all the others who are taking an active interest in creating jobs; and relative to the merger requested staff bring an update to Council as PeopleSoft was the city's management tool for operations and elaborated.

EATON PARK FUNDING PROPOSAL - COUNCILMEMBER CALHOUN

Councilmember Calhoun advised there was a possible opportunity for additional funds to complete the full build-out of the Eaton Plan and submitted his funding proposal for staff review and report back at an appropriate time, a copy of which is on file in the office of the city clerk.

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DECEMBER 21, 2004, COUNCIL MEETING LISTED ON THE AGENDA AS A "REGULAR MEETING" - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated he voted for a limited meeting on the 21st to consider a couple of planning & development issues and did not vote for a "regular meeting", and expressed his concern and stated he was opposed to a regular meeting and he was not prepared for one. Discussion ensued on this issue after Councilmember Sterling's following comments.

INVITATION TO COUNCIL, STAFF AND THE COMMUNITY TO ATTEND KEARNEY PLAZA SHOPPING CENTER'S SANTA CLAUS DAYS - COUNCILMEMBER STERLING

Invitation made with Councilmember Sterling advising Santa would be present on December 16, 17, 18, 21, 22 & 23 from 3 - 6 p.m. and spoke briefly to event and the organizations contributing to it.

THANK YOU TO BIANCA SPARKS, COUNCIL ANALYST - COUNCILMEMBER STERLING

Councilmember Sterling advised today was Ms. Sparks' last day and thanked her for serving Council, congratulated her, and wished her good luck.

REQUEST FOR CLARIFICATION ON THE DECEMBER 21ST MEETING(CONTINUED FROM EARLIER) - CITY CLERK KLISCH

City Clerk Klisch requested clarification on the meeting and number of items to schedule advising at this time 4 items were scheduled and staff was inquiring and wanted to schedule additional items on the consent calendar. Councilmembers Dages and Duncan concurred with Councilmember Boyajian's earlier comments stating an emergency meeting was scheduled only for Running Horse and another item, with Councilmember Dages adding he would not have voted the way he did if he had known it was going to be a full-blown meeting and Councilmember Duncan adding he was going to leave town right after the short meeting and requested staff keep the agenda to the two bare minimum critical items. Assistant City Manager Souza clarified the items scheduled were the Running Horse project and the Granite Park project, and requested a third item -- a closed session relative to the property on "M" Street -- be added as discussed two weeks ago. By Council consensus the agenda was capped at 3 items only. (**Note - later in the meeting one additional routine item was added as a consent item*).

COMMENDATION TO STAFF ON THE ABANDONED VEHICLE PROGRAM AND EFFORTS - PRESIDENT CASTILLO

Commendation made.

APPROVE AGENDA:

(4:00 P.M.) APPEARANCE BY AREA RESIDENTS REGARDING SKATE PARKS AND POTENTIAL BIKE PARKS - COUNCILMEMBER DAGES

Removed from the agenda by Councilmember Dages.

(3-A) BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE RELATING TO UTILIZATION OF APPRENTICES BY CONTRACTORS ON CERTAIN PUBLIC WORK OF IMPROVEMENT PROJECTS - COUNCILMEMBER DAGES

At the request of Councilmember Dages and by Council consensus, the matter set for 3:30 p.m. for citizen convenience.

(10:45 A.M.) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA) TO CONSIDER THE ISSUANCE OF LEASE REVENUE BONDS (NO NEIGHBORHOOD LEFT BEHIND PROJECT) IN AN AMOUNT NOT TO EXCEED \$52 MILLION FOR THE PURPOSE OF FINANCING AND REFINANCING OF VARIOUS CAPITAL PROJECTS

1. COUNCIL RESOLUTION
2. JPFA RESOLUTION

Finance Director/Controller Quinto advised Mayor Autry would not be available this morning to participate in the joint meeting as his Mother was undergoing a medical procedure and requested Council conduct the hearing as scheduled, take action on the Council resolution, and delay action on the JPFA resolution until the afternoon for the Mayor's presence.

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City Attorney Montoy noted this was a hearing and upon her question, Ms. Quinto stated the Mayor would listen to the taped proceedings of the morning hearing. By Council consensus, the JPFA resolution was laid over to 2:30 p.m.

(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT

("A") CONTINUED HEARING TO CONSIDER AGENCY RESOLUTION APPROVING FIVE-YEAR REDEVELOPMENT IMPLEMENTATION PLANS FOR FOUR (4) REDEVELOPMENT PROJECTS AREAS (AIRPORTS, CENTRAL CITY COMMERCIAL REVITALIZATION, SOUTH FRESNO INDUSTRIAL AND SOUTHEAST FRESNO REVITALIZATION AREAS)

At the request of Councilmember Duncan and by council consensus the hearing was continued to January 11, 2005, at 11:00 a.m. so the new District 4 council member could participate as he represented the Airports redevelopment area.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-D** stating she had concerns with the treatment of the homes; to Item **1-G** questioning why the city had to pay for the lease; to Item **1-J** expressing her support; to Item **1-K** stating her opposition; to Item **1-M** speaking to the contaminated land and clean up; to Item **1-Q** stating the city of Fresno should be open to all claims; to Item **1-S** speaking to the housing element and funds for southwest Fresno; and to Item **1-T** stating her support.

Gloria Torrez stated consent calendar items were not routine and needed to be discussed and voted upon separately; and spoke to Item **1-C** stating she was opposed as voters had no voice; to Item **1-D** stating there was no improvement in the area and questioned who was getting this service; to Item **1-F** stating there were a lot of points she did not agree with and explained; to Items **1-C, 1-F, 1-H** and **1-I** speaking to the grants being accumulated and transit services not being increased; and spoke to needed transit improvements and amenities and stated FAX money needed to stay with FAX.

Councilmember Duncan registered a "No" vote on item **1-R**.

Councilmember Calhoun pulled Item **1-G**, Councilmember Sterling pulled Item **1-T**, Councilmember Boyajian pulled Items **1-B** and **1-O**, and President Castillo pulled Item **1-E** from the consent calendar for discussion under "Contested Consent Calendar" at 2:00 p.m. #1.

(1-A) ACCEPT THE AWARD OF \$319,266 FROM THE OFFICE OF TRAFFIC SAFETY FOR THE 2005 SOBRIETY CHECK POINT GRANT PROGRAM

1. RESOLUTION NO. 2004-462 - 50TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$106,500 FOR THE 2005 PROGRAM

(1-C) APPROVE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH SIMON & COMPANY, INC. FOR LOBBYING AND LEGISLATIVE SERVICES IN WASHINGTON, DC

(1-D) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPROVE CONTRACT CHANGE ORDER NO. 2, IN AN AMOUNT NOT TO EXCEED \$525,000, TO THE CONTRACT WITH TRON CONSTRUCTION, INC., FOR ACOUSTIC TREATMENT OF AN ADDITIONAL 26 HOMES FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT FAR PART 150 NOISE COMPATIBILITY RESIDENTIAL ACOUSTIC TREATMENT PROGRAM KNOWN AS THE SMART PROGRAM PHASE 7 BID GROUP 12 UNDER AIP GRANT NO. 3-06-0087-36

(1-F) RESOLUTION NO. 2004-463 - 51ST AMENDMENT TO AAR 2004-209 FOR THE RE-BUDGET OF CAPITAL PROJECTS AND ADJUSTMENT OF EMPLOYEE SERVICES APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION/FRESNO AREA EXPRESS TO REFLECT FUNDING UPDATES AND LABOR CONTRACT REQUIREMENTS

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(1-H) RESOLUTION NO. 2004-464 - AUTHORIZING THE CITY MANAGER AND/OR DIRECTOR OF TRANSPORTATION TO EXECUTE AND FILE GRANT APPLICATIONS AND GRANT RELATED DOCUMENTS FOR TRANSIT FUNDS WITH THE U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL TRANSIT ADMINISTRATION (FTA)

(1-I) APPROVE THE SUBMISSION OF THE ANNUAL TRANSPORTATION FUNDING CLAIM FOR FRESNO'S LOCAL TRANSPORTATION FUND (LTF) AND STATE TRANSIT ASSISTANCE (STA) ENTITLEMENT IN THE AMOUNT OF \$16,882,139 (PLUS ANY ADDITIONAL FUNDS MADE AVAILABLE DURING FY 2005), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL CLAIM DOCUMENTS ON BEHALF OF THE CITY

(1-J) RESOLUTION NO. 2004-465 - 49TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$51,000 IN GRANT FUNDING FOR THE POLICE DEPARTMENT'S HOMELAND SECURITY GRANT PROGRAM

(1-K) PRELIMINARILY APPROVING THE PURCHASE OF A 8.3 ACRE PARCEL OF LAND FROM RANCHO RIVINGTON, A CALIFORNIA LIMITED PARTNERSHIP, FOR THE PRICE OF \$1,500,000 WITH AN INITIAL PAYMENT OF \$1,000,000 AND THE BALANCE OF \$500,000 TO BE PAID OVER A THREE YEAR PERIOD, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR AND STAFF TO PREPARE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY, THE PROMISSORY NOTE, AND OTHER TRANSACTION DOCUMENTS WITH THE APPROVAL OF THE CITY ATTORNEY, AND RESUBMIT THE MATTER BACK TO COUNCIL AFTER ALL ACQUISITION REQUIREMENTS ARE MET AND ALL SIGNATURES OF THE SELLERS ARE OBTAINED

(1-L) APPROVE THE THIRD AMENDMENT TO AGREEMENT WITH PROVOST AND PRITCHARD ENGINEERING GROUP, INC., FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE REVISIONS TO PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR WIDENING OF HERNDON AVENUE BETWEEN WEBER AND POLK AVENUES IN THE AMOUNT OF \$12,905, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

(1-M) APPROVE THE SALE OF ABANDONED WATER WELL SITE PUMP STATION NO. 4, APN 433-261-36T, LOCATED BEHIND 1956 W. GARLAND, JUST EAST OF HUGHES AVENUE, TO THE ADJACENT PROPERTY OWNER FOR A PRICE OF \$500 AS PROPOSED, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-N) RESOLUTION NO. 2004-466 - APPROVING THE FINAL MAP OF TRACT NO. 5078 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. PALO ALTO AND N. BRYAN AVENUES

1. RESOLUTION NO. 2004-467 - 53RD AMENDMENT TO AAR2004-209 APPROPRIATING THE SUBDIVIDER'S INITIAL DEPOSIT FOR RIGHTS-OF-WAY ACQUISITION ALONG W. SIERRA AND W. PALO ALTO AVENUES AND N. BRYAN AND N. HAYES AVENUES

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

4. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1-P) BILL NO. B-133 - ORDINANCE NO. 2004-136 - APPROVING TEXT AMENDMENT NO. TA-03-02 RELATING TO SECOND UNIT DWELLINGS

(1-Q) BILL NO. B-136 - ORDINANCE NO. 2004-137 - AMENDING SECTION 1-1203 OF THE FRESNO MUNICIPAL CODE RELATING TO PROCESSING OF CLAIMS AGAINST THE CITY

(1-S) BILL NO. B-139 - BILL FOR INTRODUCTION AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

ENVIRONS PLAN RELATING TO PLAN AMENDMENT NO. A-04-14

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

144-202

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Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(1-R) BILL NO. B-137 - ORDINANCE NO. 2004-138 - ADDING SUBSECTION 25 TO SECTION 8-401 OF THE FRESNO MUNICIPAL CODE RELATING TO PROHIBITING SMOKING IN PARKS

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-137 adopted as Ordinance No. 2004-138, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
 Noes : Duncan
 Absent : None

(2-A) RESOLUTION NO. 2004-468 - 48TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$221,800 IN GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) TO FUND THE PURCHASE OF A FIXED WING AIRCRAFT

Chief Dyer reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support of the issue **(2 - 0)**.

Councilmember Sterling stated she was still in support of this purchase and even more so now that Fresno was eliminated from homeland security consideration and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Calhoun stated he was very concerned with this purchase when it was first presented as a consent item and stated many items and information were lacking and explained, and stated he has since been provided with a lot of information; advised emails were exchanged with Chief Dyer and read 5 questions he presented to the Chief along with the Chief's responses into the record; and advised he was now in support and saw this as a value added resource but stated if in the future the city finds it can not afford this or if the Chief comes up with a request for a jet that would be the "end of the line". Councilmember Boyajian stated he was coming from an opposite direction, expressed his opposition stating he did not see this on the radar screen, advised airplanes from the Sheriff Squadron could be used and they would not charge anything and elaborated, noted the Sheriff was willing to work with the city of Fresno and save the city money, advised he conducted a survey in his district and 60% were opposed to this purchase, stated his original concern dealt with jurisdictional issues but after conducting research he now had other concerns, stated a survey of other cities showed most did not have airplanes, and stated he votes for what is best the city and he resented department heads going on TV and stating how Council votes and explained. Councilmember Duncan stated a lot of good information had been received; spoke to the press conference on homeland security (HS) and presented questions relative to the HS funding issue and if this purchase would be impacted by it, if this purchase had the approval of HS, if Sheriff Pierce was supportive, what the Chief's position was on use of volunteers and volunteer groups, and if the terrorist threat was real and serious (with Chief Dyer responding throughout); stated he owns a plane, planes go up in value, and this could end up as a reasonable investment for the city; and stated HS supported this purchase and this was an easy issue to support. Councilmember Dages stated he concurred with Councilmember Duncan's comments and added crime today was different from 20 years ago, and stressed terrorism was a real threat, we were the food basket of the nation, and terrorists were here and the city needed to maintain surveillance. Responding to various comments Councilmember Boyajian stated the cost from the county would be zero, there had never been a conflict of interest in 64 years with the volunteers, and stated the bread basket was patrolled by the air guard, the FBI and the sheriff's department.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-468 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : Boyajian
 Absent : None

Visiting students from Del Mar Elementary School were recognized and welcomed.

144-203

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On behalf of the City Council Councilmember Duncan congratulated Fresno Bee reporter Jim Davis and his wife on the soon-to-be birth of their first baby.

(9:30 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING COUNCIL TERM LIMITS

Appearance made.

(10:00 A.M.) WORKSHOP TO REVIEW THE PROPOSED AMENDMENTS TO THE FRESNO MUNICIPAL CODE RELATING TO THE EMERGENCY SERVICES ORDINANCE AND THE EMERGENCY OPERATIONS PLAN (EOP)

President Castillo stated he requested the Chief provide a brief overview and workshop of emergency services after attending a training seminar which he found very interesting, and stated every employee who works for the city needs to know what their responsibility is to the city in case of an emergency and added he believed a majority of the employees did not realize what their responsibility was or the ramifications associated with those responsibilities.

Chief Bruegman gave an overview of the issue as contained in the staff report as submitted, noted the documents before council were reflective of post September 11th events, spoke to two major exercises that were held and stated the lessons learned were contained in the emergency operations plan, requested Council review the ordinance and spoke to the importance of all being trained in their roles and responsibilities, spoke to the plan for 2005 and the levels of training that will need to occur, and stated these documents would be brought back in January for formal adoption.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Duncan noted the mayor was left out of the procedure and process outlined in the ordinance and the city manager position was the one with full authority to declare an emergency, stated he had a problem with that as the mayor as the elected leader of the city should also have that authority, and stated the strong mayor form of government needed to be recognized and questioned what role the mayor plays in the current ordinance. **(3 - 0)** Assistant City Attorney Slater responded and explained why the city manager had the authority and stated the ordinance could be amended to include giving the mayor the authority to *declare* an emergency. Councilmember Duncan stated that would have to be included in the ordinance for him to support it and thanked everyone involved who put this together.

Chief Bruegman thanked Emergency Preparedness Officer Rainer Streib for all his work and for doing an outstanding job. Councilmember Calhoun concurred and also thanked Mr. Streib, and relative to the role of the mayor stated he agreed with Councilmember Duncan. Councilmember Sterling spoke to the chain of leadership and agreed the mayor needed to be by the city manager's side, and questioned how stand-by officers would be chosen to replace key government officials should death result from a major disaster, with Mr. Streib responding. Councilmember Boyajian stated he had a concern with non-elected people having control, stated the council president *and* the mayor needed to be with the city manager as he did not like non-elected officials in positions where elected officials should be, spoke to the Crippen fire and stated there was not much organization and very little communication between he and the city manager and mayor, reiterated if the mayor was going to be there the council president also needed be there to communicate with the city council because council members know their districts much better than the mayor or city manager, and presented questions relative to the "new council", the "emergency council", and replacements for deceased members, with Chief Bruegman and City Attorney Montoy responding.

City Manager Hobbs stated staff would take in comments made, ponder them and figure out how to work it back; relative to the operational control stated it needed to remain with the city manager due to the relationship between the city manager and staff as provided for in the Charter; relative to the mayor declaring an emergency stated that was a very good idea; and relative to communication stated the

city manager keeps the mayor fully informed on all that is going on and should also keep the council fully informed but clarified in emergencies time was an issue as everyone is moving very fast on a number of fronts.

Upon question of Councilmember Dages, Ms. Montoy confirmed filling vacancies due to the death of a council member or mayor was addressed in the Charter but advised staff would have to look at the interplay between the Charter and some state legislation that applies to emergency situations. No action was required and there was no further discussion.

144-204

12/14/04

(2-B) CONSIDER THE PROPOSED ALLUVIAL-WILLOW NO. 3 REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 27 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE TERRITORY TO THE CITY OF FRESNO (PROPERTY LOCATED IN DISTRICT 6)

1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF E.A. NO. R-02-31/R-02-32/C-03-57/C-03-58 DATED DECEMBER 30, 2003, RESULTING IN A MITIGATED NEGATIVE DECLARATION

2. RESOLUTION NO. 2004-469 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED ALLUVIAL-WILLOW NO. 3 REORGANIZATION

Planner Gerster reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the action of the City Council of July 20, 2004, hereby affirmed, the environmental finding of a Mitigated Negative Declaration dated December 30, 2003, for the environmental assessment adopted, and the above entitled Resolution No. 2004-469 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

(3-B) CONSIDER AN ALTERNATIVE PROCESS REGARDING FIXING COMPENSATION OF ELECTIVE OFFICERS (MAYOR AND CITY COUNCIL)

1. BILL - AMENDING SECTION 5 OF ORDINANCE NO. 2100-49 RELATING TO THE METHOD FOR FIXING COMPENSATION FOR ELECTIVE OFFICERS

Councilmember Boyajian spoke to the background of the issue, stated he thought a cost of living provision for increases was included

in the ordinance, and stated he was bringing this forward to accomplish what he thought was done 4 ½ years ago. President Castillo thanked Councilmember Boyajian for having the courage to bring this matter forth, stated it was unfair the way the city council is beat up in the media simply because they expect to get compensated for spending so much time on the council, stated the compensation was not that great and makes people shy away from running as the person has to put his/her career or business on hold for four years, and stated the board of supervisors have kept themselves out of the media by tying their salaries to judges' salaries.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Lengthy discussion ensued. Councilmember Duncan spoke in opposition to automatic pay raises, stated Council needed to look taxpayers straight in the eye and tell them what they want to do and debate it, and stated the board of supervisors' pay system was wrong and encouraged them to eliminate it stating pay raises deserved stringent public debate. Councilmember Calhoun spoke to the issue at length; clarified any increase would apply to future council members; stated he did not like the current system of the civil service board conducting a study and making a recommendation stating it was wrong, the board had no business weighing-in on the issue, and that responsibility put them in a difficult position; spoke to the board of supervisors' salaries and stated he wanted to see a reorganization of government and make the city council and the board the same; stressed the city council does the same thing as the board and works just as hard yet they are paid less than ½ of the board's salary which is \$90,000 a year; spoke to the mayor working full-time and noted his salary was well below the salary of the Chancellor of the State Center Community College District, the president of Fresno State and the

president of Fresno City College; stated the city council was constrained in other ways as they are termed out and the board is not and the board can raise money anytime they want and council has a very limited time in which to raise funds; stated he felt a like a second-class citizen and the salaries of city and county officials needed to be looked at and decide why that gap should not be closed; and stated he wanted to address the mayor's salary (with City Attorney later clarifying the mayor was included as he was an elective officer) and he wanted the salaries increased to \$50,000 in 2006, which was accepted by Councilmember Boyajian. Brief discussion ensued on new council members and members who could run for another term in office in terms of who would be affected by the new salary, with Ms. Montoy clarifying issues.

Councilmember Dages stated the consumer price index (CPI) was the appropriate way to do this, noted with a new council member coming on board there would only be one increase in eight years which was very minimal, stated he could not support and increase to \$50,000 but he could support a CPI increase as it was fair, and reiterated only one increase would occur in eight years.

144-205

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Councilmember Calhoun recommended, due to the fact that there has been no increase in 4 years, Council could have tied into the CPI but did not, and council was so far behind the board of supervisors and worked just as hard as they did, that the motion be modified to implement a \$10,000 increase with the CPI on top of that and further elaborated. President Castillo spoke in support of Councilmember Calhoun's recommended motion since no member of this council would benefit by it (**4 - 0**) and the increase would come into effect in 2007. Councilmember Boyajian amended his motion to increase salaries by \$10,000 effective in 2007 and keeping the CPI provision currently in the ordinance bill. Upon question it was clarified this also impacted the mayor's salary, the ordinance would be effective on the 31st day after final passage but the compensation would not be effective until 2007, the ordinance would not become vetoable until Council's final vote on the ordinance, and this increase would affect *future* councils.

On motion of Councilmember Boyajian, seconded by President Castillo, duly carried, RESOLVED, staff directed to amend the ordinance bill to increase elective officers' salaries by \$10,000 to become effective in 2007, and the ordinance bill to be brought back for introduction, by the following vote:

Ayes :	Boyajian, Calhoun, Sterling, Castillo
Noes :	Dages, Duncan, Perea
Absent :	None

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(10:30 A.M.) HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF PERMANENT STREET EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS ON SEVEN (7) PARCELS LOCATED AT THE INTERSECTION OF FIRST STREET AND TULARE AVENUE - APNS 459-364-27, 459-364-28, 460-264-09, 460-264-10, 460-264-18, 461-010-16 AND 461-010-28

1. RESOLUTION NO. 2004-470 - DETERMINING THAT PUBIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PERMANENT EASEMENTS AND RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS FOR PUBLIC PURPOSES OVER, UNDER, THROUGH AND ACROSS REAL PROPERTIES FOR THE CONSTRUCTION OF THE FIRST AND TULARE WIDENING PROJECT AND RELATED PURPOSES, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE

President Castillo announced the time had arrived to consider the matter and opened the hearing. Senior Real Estate Agent Balch gave an extensive overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Mr. Balch responded briefly to questions of Councilmember Sterling relative to whether this project would negatively affect area businesses, if the project would benefit business after completion, if the agreements reached would stay in place after action this date, and if property owners would be still be afforded the opportunity to talk with staff on issues. Councilmember Sterling stated this was a good project and made a motion to approve staff's recommendation. City Attorney Montoy clarified had final agreement been reached with all the property this resolution would not have been before council, stated staff believed there would be ultimate agreement but wanted to proceed with this process just in case, and stated all eminent domain protections would be afforded by law to the property owners if no agreement is reached.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2004-470 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

The City Council recessed its regular meeting and convened in joint session with the Fresno Joint Powers Financing Authority at 11:10 a.m.

(10:45 A.M.) JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA)

144-206

12/14/04

(A) HEARING TO CONSIDER THE ISSUANCE BY THE JPFA OF ITS LEASE REVENUE BONDS (NO NEIGHBORHOOD LEFT BEHIND PROJECT), SERIES 2005, IN AN AMOUNT NOT TO EXCEED \$52 MILLION FOR THE PURPOSE OF FINANCING AND REFINANCING OF VARIOUS CAPITAL PROJECTS AND ITS PUBLIC BENEFIT TO THE CITY

1. RESOLUTION NO. 2004-471 - APPROVING THE ISSUANCE BY THE JPFA OF LEASE REVENUE BONDS TO FINANCE AND REFINANCE VARIOUS CAPITAL IMPROVEMENT PROJECTS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FACILITIES LEASE, FACILITIES SUBLEASE, BOND PURCHASE CONTRACT, ESCROW AGREEMENT, OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING THE EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATIVE TO THE FINANCING

(2. JPFA RESOLUTION - CONTINUED TO 2:30 P.M. FOR ACTION)

President Castillo announced the time had arrived to consider the issue and opened the hearing. Controller/Finance Director Quinto gave an extensive overview of the issue, all as contained in the staff report as submitted, noted minor changes were made to the resolution which was submitted to Council, and recommended approval.

Barbara Hunt, 2475 S. Walnut, support to conflict of interest issues.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun advised he originally had concerns on the financing for NNLB but his concerns were addressed by staff; spoke to and in support of the issue elaborating on the financing, the built-in safety valves, the significant savings that would be realized, the underwriting process, reasonable city assets being put up, and bonds being paid off; and made a motion to approve staff's recommendation. Councilmember Duncan stated he also had concerns originally with the process and financing mechanism but he was supportive of this financing option at it would save the city over \$28 million, and stated it was time to move forward and commended staff. Acting President Perea also commended Ms. Quinto and her staff, stated this was the end of a long journey and process and he hoped no neighborhood would ever be left behind again, and seconded the motion on the floor.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2004-471 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

Ms. Quinto acknowledged and thanked Senior Deputy City Attorney Smith for all her work and assistance.

LUNCH RECESS - 11:31 A.M. - 2:00 P.M. Councilmember Dages arrived shortly into the meeting.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-B) RESOLUTION NO. 2004-472 - 13TH AMENDMENT TO PAR NO. 2004-210 REPLACING TWO (2) VACANT FULL-TIME

POSITIONS WITH FOUR(4) PART-TIME POSITIONS FOR THE POLICE DEPARTMENT COMMUNICATIONS BUREAU

(5 - 0) Lt. Brogdon responded briefly to questions of Councilmember Boyajian relative to whether the part-time employees would receive benefits, number of full-time positions currently, and if there would be an opportunity for the employees to become full-time with full benefits.

On motion of Councilmember Boyajian, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2004-472 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : Dages

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(1-E) RESOLUTION NO. 2004-473 - 7TH AMENDMENT TO SALARY RES. NO. 2004-213 AMENDING THE NARRATIVE TO CLARIFY LANGUAGE RELATED TO BENEFITS AND MAKING A TITLE CORRECTION TO DELETE EXHIBIT 7, "GROUP 8, NON-REPRESENTED" IN THE BENEFITS SECTION

President Castillo stated he could not make any sense of this and questioned what the issue was, with Acting Personnel Director Ruiz and City Attorney Montoy responding. Councilmember Dages arrived at 2:02 p.m. President Castillo presented other questions relative to vehicle allowance and separating salary from benefits, with Ms. Montoy responding.

On motion of President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-473 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(1-G) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ENTER INTO A LEASE AGREEMENT FOR THE DOWNTOWN CUSTOMER SERVICE OFFICE OPERATED BY THE DEPARTMENT OF TRANSPORTATION - FRESNO AREA EXPRESS

Councilmember Calhoun stated he was pleased to see this but it raised some questions, spoke to a committee that was going to look at "changing transportation forever in the city of Fresno" and a study that was conducted to look at transportation and questioned what came out of those, stated he was curious if a downtown office was getting ahead of the curve as he did not want "feet stuck in cement" with this office when maybe something else should have been done, and questioned when committee recommendations would come forth. Director of Transportation Rudd responded to questions and stated the multi-year lease would not impact FAX's objectives and vision and explained. Councilmember Calhoun commended staff and made a motion to approve staff's recommendation and stated he looked forward to the committee's recommendations and getting people out of their cars. Mr. Rudd responded to questions of Councilmember Boyajian relative to the site, the lease and the operation of the center. City Manager Hobbs noted Mr. Rudd's responses covered and reflected long range planning, enhancing customer service, and cost benefit and commended Mr. Rudd for his leadership. Councilmember Sterling commended Mr. Rudd on this issue and spoke to the asset this would be for the mall and her district in getting people to take the bus.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the Director of Transportation authorized to enter into a lease agreement and execute all required documents for a customer service office operated by FAX and located in the downtown Fresno T.W. Patterson Building, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(1-0) RESOLUTION NO. 2004-474 - 52ND AMENDMENT TO AAR 2004-209 APPROPRIATING \$349,000 FROM THE "DOLLARS FROM ANGEL" CAMPAIGN FOR MAINTENANCE PROJECTS AT THE CHAFFEE ZOO

Councilmember Boyajian expressed concern about using the funds for trimming trees with Zoo Management Analyst Morrison stating the trees were safety hazards and responded to his questions relative to the other projects that will be undertaken, if the improvements would be permanent or temporary, if all the projects were safety hazards, and the amount of Angel funds used and how much was left. A motion and second was made to approve staff's recommendation. Councilmember Sterling stated she also requested and received written information on whether these improvements would make the zoo AZA and USDA acceptable and added the USDA would be coming in any day and items needed to be addressed and completed. Councilmember Dages noted Ms. Morrison took over a demanding position and commended her for doing an outstanding job.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-474 appropriating funds to complete the projects that are on the list of priority maintenance projects for the Zoo hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

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(1-T) APPROVE EXTENSION OF THE GRANT WRITER PROGRAM AGREEMENT WITH THE UNITED WAY

Councilmember Sterling stated this was an important issue and council should never find it wrong to question where taxpayer dollars are going and how they are being spent, clarified the grant writer program was not being questioned but she felt there needed to be some improvements, and questioned if information on how the United Way (UW) helps the non-profits and an evaluation by the non-profits of the UW could be included, with Assistant Parks & Recreation Director Haynes stating it could. Upon further question, UW President Kriegbaum stated he was supportive of the two processes stating they would be useful and plausible and added he would take primary responsibility for the strategic evaluation and planning processes. Councilmember Sterling clarified dollars were limited, this was not an attack on the UW and added they were doing a great job, and made a motion to approve the extension with the stipulation that (1) the UW report in detail how they helped each agency and (2) that the non-profits that were helped by the United Way submit a written evaluation of the UW's performance during that program year. Councilmember Boyajian stated all he ever wanted to know was how the non-profits were helped and added the only other thing that needed to be looked at was the \$50,000 overhead cost, with Councilmember Sterling stating this issue had to move forward and the overhead cost would be looked at next year.

Speaking to the issue were: Susan Bechara, House of Hope, and Alfonso Hernandez, Chicano Youth Center, who spoke to constructive criticism, need for voices to be heard, and need for the UW to start allocating funds to their organizations from the UW's funding sources.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, a one year extension (from 9/30/04 to 9/30/05) of the Resource Development Services agreement with the United Way of Fresno County (UWFC) to provide grant writing services to non-profits hereby approved, with the stipulations that (1) the United Way will report in detail how they helped each agency, and (2) the non-profits that were helped by the United Way to submit a written evaluation of the United Way's performance during that program year, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. IRWIN FOSTER, ET AL. V. COF
2. VICKI ALLEN WESTBURG V. COF, BY AND THROUGH CITY COUNCIL; HALFERTY DEVELOPMENT-REAL PARTY IN INTEREST
3. COF V. CHERTA FARMS, INC., ET AL, SUPERIOR COURT CASE NO. 02CECG00191

The City Council met in closed session in Room 2125 at the hour of 2:43 p.m. to consider the above issues and reconvened in

regular open session at 3:29 p.m.

The City Council recessed at 3:29 p.m. and convened in joint session with the JPFA.

(10:45 A.M. CONTINUED JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY

(A) HEARING TO CONSIDER THE ISSUANCE BY THE JPFA OF ITS LEASE REVENUE BONDS (NO NEIGHBORHOOD LEFT BEHIND PROJECT), SERIES 2005, IN AN AMOUNT NOT TO EXCEED \$52 MILLION FOR THE PURPOSE OF FINANCING AND REFINANCING OF VARIOUS CAPITAL PROJECTS AND ITS PUBLIC BENEFIT TO THE CITY

(1. COUNCIL RESOLUTION NO. 2004-471 ADOPTED EARLIER IN THE MEETING)

2. JPFA RESOLUTION NO. 20 - AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE BONDS (NO NEIGHBORHOOD LEFT BEHIND AND CAPITAL IMPROVEMENT PROJECTS), SERIES 2005; AUTHORIZING THE PROCUREMENT OF BOND INSURANCE, THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT, FACILITIES LEASE, FACILITIES SUBLEASE, BOND PURCHASE CONTRACT, BROKER-DEALER AGREEMENT AND OFFICIAL STATEMENT; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS

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JPFA Chair Autry announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and Chair Autry closed the hearing.

On motion of Member Duncan, seconded by Member Boyajian, duly carried, **RESOLVED**, the above entitled JPFA Resolution No. 20 hereby adopted, by the following vote:

Ayes :	Boyajian, Duncan, Autry
Noes :	None
Absent :	None

The joint meeting was adjourned at 3:32 p.m. and the City Council reconvened in regular session.

**** Visiting students from Roosevelt High School were recognized and welcomed.**

(2:45 P.M.) HEARING ON REZONE APPLICATION NO. R-04-78, FILED BY QUAD KNOPH, ON BEHALF OF CENTEX HOMES, PROPERTY LOCATED AT THE NORTHWEST CORNER OF E. HAMILTON AND S. ARMSTRONG AVENUES IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-78/T-5377, DATED OCTOBER 28, 2004, THAT THE PROPOSED PROJECT CONFORMS TO THE PROVISIONS OF THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-140 - ORDINANCE NO. 2004-139 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM AND R-1-B TO R-1/UGM AND R-1-B

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue as contained in the staff report as submitted and recommended approval.

(6 - 0) Upon call, no one wished to be heard and President Castillo closed the hearing.

Councilmember Boyajian stated an EIR and CEQA analysis was needed and was not done and he could not support the project as there would be cumulative impacts. Councilmember Dages stated a lot of development was occurring in the southeast but hardly any infrastructure was going in, stressed something needed to be done and elaborated on his concerns, and made a motion to approve staff's recommendation. Councilmember Boyajian stated if the developer conducts an EIR a traffic study would have to be done, the impacts would be seen, and the developer could then be made to mitigate those impacts. Discussion ensued on whether that could be done, on the CEQA process that was followed, and the conditions for traffic signals, with City Attorney Montoy, Planning & Development Director

Yovino and Planning Manager Unruh clarifying issues and responding to questions. Councilmember Dages stated he would not hold this project up, reiterated his motion to approve, and stated from now on he will want to see infrastructure for every project in his area adding he could not let developers overrun the southeast area. Mr. Yovino responded and stated he would meet with Councilmember Dages. The motion was seconded by Councilmember Duncan. Councilmember Boyajian added an environmental assessment was not an EIR and stressed all projects in the area and their cumulative impacts needed to be looked at. Councilmember Duncan stated the master infrastructure plan discussed last week would address a lot of these issues and stated the lack of infrastructure was a city-wide -- and not just a southeast -- problem. President Castillo stated he would not support the project as Councilmember Dages made a good argument, and stated this discussion had been held many times, the "whining" needed to stop, Council as policy makers needed to make developers put in infrastructure, and stated this should send a strong message to the development industry.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of E.A. No. R-04-78/T-5377, dated August 24, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved; and the above entitled Bill No. B-140 rezoning the subject property adopted as Ordinance No. 2004-139, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling
 Noes : Boyajian, Castillo
 Absent : None

144-210

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(3-A) BILL NO. B-141 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO UTILIZATION OF APPRENTICES BY CONTRACTORS ON CERTAIN PUBLIC WORK OF IMPROVEMENT PROJECTS - COUNCILMEMBER DAGES

Councilmember Dages spoke to the need for jobs, stated he wanted to include an apprentice program and training for city projects and the draft ordinance stipulates that contractors *shall* use apprentices, stated staff was not supportive of this and he still did not understand why, and requested Council's support, reiterated any city of Fresno contract would be required to have an apprentice and be required to train people, and stated this was one area to do something about our high unemployment rate and made a motion to introduce the ordinance bill.

John Hudson, Secretary-Treasurer for the Building and Construction Trades of Fresno, Madera, Tulare and Kings Counties, spoke in support of the issue.

Councilmember Duncan stated he would not be supporting this as this was not a wise policy addition for the city; stated he was concerned that the Chamber of Commerce was unaware of this and their review was needed as they represented businesses who might be affected and requested action be delayed; questioned what would be different if this ordinance were to pass, if the state already had this requirement in place, if the cost for compliance was anticipated to be \$100,000 a year, and if this would provide a preference in the hiring of union employees (with City Attorney Montoy and Interim Public Works Director Kim responding); spoke to the need for a free and open market place within the city of Fresno; stated this signaled --with all proper intent--a back door method of establishing a project labor agreement (PLA) in the city and forcing non-union contractors to hire union employees; stated this needed to be looked at in a broader scale and there was no guarantee for employment and explained; and again requested the motion-maker delay this matter 30 days for public input. Upon question of President Castillo, Ms. Montoy confirmed the ordinance was neutral and there was nothing in the ordinance that would require union apprentices.

Councilmember Calhoun stated this was a legitimate issue but he was very disappointed it was before Council at this time as staff and the RJI volunteers were currently working hard on this matter and they had not finished their work; stated he felt if appropriate time was given there was a very good chance for agreement adding it takes time to work things through; and emphasized this should come forth when all parties say it should, he felt this was being rushed to the dais, and he supported Option D in the staff report and made a motion to table the matter.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to table the matter to May 1, 2005, failed, by the following vote:

Ayes : Calhoun, Duncan
 Noes : Boyajian, Dages, Perea, Sterling, Castillo
 Absent : None

Councilmember Calhoun stated he was now going to be forced to vote *no* and it was not because he disagreed with the issue but because he felt the matter had not been well thought out and staff was saying now was not the time.

Councilmember Sterling seconded Councilmember Dages' motion and spoke in support of the issue, stated this was not intended to eliminate the private sector, spoke to the need for jobs, stated she did not see this as a PLA, this could be for first source hiring, stated to not move forward would affect the No Neighborhood Left Behind project, and stated this would put all employers on notice to hire locally. Ms. Montoy and Mr. Hudson responded briefly to questions of Acting President Perea relative to the state's requirement and if this ordinance would strengthen that and if non-unions have apprentices. Acting President Perea stated he did not see this as a union or non-union issue and he would support the motion.

Councilmember Dages responded to comments and concerns made at length, stressed he asked for this 15 months ago so it was not being rushed, **(7 - 0)** stated it was his job to say what comes before council and when as he was elected to do that and not get direction from staff, stated not everyone was a "computer nerd" and he was trying to create jobs for those with the uncanny ability to build, stated the training would be valuable and elaborated, and stressed to force this issue was what city needed to do to give those kids, who normally would not have the opportunity, to work.

Assistant City Manager Ruiz stated he respectively disagreed that staff has purposely put off the issue because they do not want apprenticeships; stated staff's issues have been (1) continuing level playing field, and (2) all affected interests being at the table when this discussion is held; stated staff believed the best way to accomplish this was through the construction industry partnership group that was part of the RJJ initiative; stated the important issues of apprenticeships, demand and supply issues were all being looked at and in that context staff felt a total package could be crafted that supports all the common objectives as well as the RJJ initiative; and stated staff believed it was still in the best interest to continue working through that construction industry partnership.

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Councilmember Calhoun stated he was glad staff responded as they were being unfairly impugned and they had been nothing but professional and elaborated; spoke to his past experience in supervising apprenticeship programs and his current close work with that at Fresno City College; and reiterated the time was not right no matter how much time had passed, a horrible message was being sent to the RJJ volunteers, and he was disappointed more time was not being given. Councilmember Duncan stated he thoroughly understood what Councilmember Dages was trying to accomplish but his concern was, if the goal was that admiral and the city was really trying to resolve the issue, that all interested players needed to be at the table to obtain their input; stated input should not be feared as everyone was after the same goal and wanted to provide lots of opportunities for young people to grow in not only college educated fields but also the trades; reiterated his request to delay the matter -- 30 days at least -- to let interested parties comment; and stated this was the wrong approach to take on such an important issue as this.

Upon question of President Castillo Ms. Montoy confirmed this ordinance would only enforce and strengthen something already on the books and would tell an employer who works for the city for a dollar value of \$250,000 or more that they will be compliant with these rules. President Castillo stated the request for a delay did not make sense as this ordinance would follow up on something the city should already be doing, and requested staff be asked for an update on who is being monitored and who is complying as the ordinance contained very few opportunities for council to reprimand contractors.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Bill No. B-141 introduced before the Council and laid over, by the following vote:

Ayes :	Boyajian, Perea, Sterling, Castillo
Noes :	Calhoun, Dages, Duncan
Absent :	None

REQUEST TO ADD APPROVAL OF TRACT MAP NO. 5247 AT GRANTLAND AND BULLARD AVENUES (GRANVILLE HOMES) ON THE DECEMBER 21, 2004, AGENDA UNDER CONSENT - COUNCILMEMBERS STERLING AND CALHOUN

Councilmember Sterling acknowledged Council set a limit on the number of items to be heard on December 21st but stated Tract 5247 was time sensitive and requested Council consider adding it to the agenda. Councilmember Calhoun added this was a routine matter and action on December 21st would allow the developer to start advertising right after the holidays or else there would be a significant delay.

By Council consensus the matter was approved for action on December 21st.

The City Council recessed at 4:39 p.m. and convened in joint session with the Redevelopment Agency at 4:41 p.m.

(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF NOVEMBER 30, 2004

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the agency minutes of November 30, 2004, approved as submitted.

("A") CONTINUED HEARING TO CONSIDER AGENCY RESOLUTION APPROVING FIVE-YEAR REDEVELOPMENT IMPLEMENTATION PLANS FOR FOUR (4) REDEVELOPMENT PROJECTS AREAS (AIRPORTS, CENTRAL CITY COMMERCIAL REVITALIZATION, SOUTH FRESNO INDUSTRIAL AND SOUTHEAST FRESNO REVITALIZATION AREAS)

Chair Boyajian noted the above item was continued to January 11, 2005, at 11:00 a.m. earlier in the meeting under "approve agenda".

("B") REQUEST FOR UPDATE AND STATUS REPORT ON THE SEARCH FOR THE VACANT REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR POSITION - COUNCILMEMBER CALHOUN

-and-

("C") APPROVE RECOMMENDATION FROM THE EXECUTIVE DIRECTOR SELECTION COMMITTEE TO WAIT UNTIL THE COMPLETION OF THE AUDIT ON BEST PRACTICES AND BENCHMARK OF THE REDEVELOPMENT AGENCY BEFORE RECRUITING AN EXECUTIVE DIRECTOR - CHAIR BOYAJIAN

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Councilmember Calhoun stated both items could be considered together as they dealt essentially with the same issue; stated he was concerned with some "foot dragging" on the selection process; stressed the search for an executive director needed to move forward expeditiously as the director position was vacant, Interim Director Murphey was only one person, and a lot of projects were coming forth; and requested the best practices audit be held back and let the director search go forth stressing it was important and he was interested in getting the new director's comments on best practices' benchmarks for the RDA.

Councilmember Duncan stated there had been no foot dragging on the search issue and he was somewhat offended by that comment; stated the committee met a number of times, significant issues came up, and the committee had been working diligently, was moving forward on the issue, and had intended to provide an update sooner; stated doing an audit first made a lot of sense due to the important issue of the basic organization of the redevelopment agency (being independent or under the city manager) and the other significant issues contained in the scope of what was asked to be reviewed for best practices; and stated doing the audit first was a better approach, it would get council what they needed, and it would clarify the direction of the agency so that when a candidate is looking at Fresno and deciding whether or not to apply he/she will know exactly what they are getting into, and made a motion to approve the recommendation of the Executive Director Selection Committee.

President Castillo stated he agreed with Councilmember Calhoun and concurred the new director needed to be a part of looking at change, and made a motion to "do away" with the audit and move forward with the director search. Brief discussion ensued on funding for the search and including it in the motion so it does not have to come back to the joint bodies, with City Attorney clarifying this was an accounting determination to be made by the RDA controller and auditors, and RDA Financial Officer Kutka stating the roughly \$60,000 for the search would be found. Councilmember Calhoun seconded the motion. President Castillo noted this would be the last time he would be speaking to this issue and suggested Councilmember Calhoun be appointed to the committee in his place.

Councilmember Sterling stated a number of projects had some order put to them and they were moving forward (i.e. Chinatown and Broadway Row); advised developers were taking advantage of resources and opportunities that the RDA has to offer to establish their projects and there were now a number of other projects being considered that had not even been presented to council yet and elaborated; and questioned what the fear was in moving forward with the director search and clarified best practices was requested because of the obstacles that had been put in the way of the former agency but stated those obstacles had been lifted and people were taking advantage of the opportunities Fresno had to offer.

Ms. Montoy requested clarification from President Castillo on the motion relative to "doing away" with the best practices audit

with President Castillo stated he wanted it taken off the table at this time. Ms. Montoy recommended the motion be to reject the recommendation of the search committee and move forward with the selection of the director.

Discussion continued. Nicole Zieba and the selection committee were thanked for all their work. Councilmember Boyajian stated he never supported the best practices and spoke to past Chair Ronquillo's efforts and accomplishments. Councilmember Duncan requested clarification on the motion and questioned if candidates would be told the basic organizational structure of the RDA was not going to change, **(8 - 0)** with President Castillo clarifying the motion was to reject the committee's recommendation and it would be up to Council to discuss at some future date whether they want to do away with the audit altogether. Councilmember Duncan stated he would have to oppose the motion if the issue of how the Agency's basic structure will be is left hanging over the heads of the agency as it would have an extremely detrimental impact on the city's ability to recruit people which he added was made very clear by firms the committee talked with. Councilmember Boyajian stated it was his understanding the new director's input would be obtained on the issue/framework and council would go from there and added he did not feel it would be a cloud over their head. Upon question of Councilmember Duncan, Councilmember Calhoun stated the issue was being held in abeyance, no one had killed it, the selection would go forward on the director and at that time council could decide what to do with it, and stated, yes, it was still hanging there. Ms. Montoy clarified the original motion was to "do away" with the audit which would have addressed Councilmember Duncan's concerns; recommended to comply with the Brown Act an item be scheduled on a future agenda to formally put the matter in abeyance for 6 months or until after the director is selected; and stated right now the issue was still hanging there. President Castillo stated his motion stood.

On motion of President Castillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the selection of the Redevelopment Agency Executive Director to move forward, and the recommendation from the Executive Director Selection Committee to wait until the completion of best practices benchmarks audit first before recruiting an Executive Director hereby rejected, by the following vote:

Ayes : Calhoun, Castillo, Perea, Sterling, Boyajian
Noes : Dages, Duncan
Absent : None

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The joint bodies adjourned their meeting at 5:13 p.m. and the City Council reconvened in regular and then in closed session.

(2:00 P.M. #2) CLOSED SESSION:

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) V. COF

The City Council met again in closed session in Room 2125 at the hour of 5:15 p.m. to consider the above issue and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:45 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

Approved on the ____21st____ day of December, 2004.

_____/s/_____
ATTEST:_____/s/_____

Brad Castillo, Council President

Yolanda Salazar, Assistant City Clerk

144-214

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